



FOR IMMEDIATE RELEASE

December 4, 2006

FACT SHEET

MAYOR CALLS ON CITY COUNCIL TO FULFILL “WILL OF THE VOTERS” AND PASS IMPLEMENTING ORDINANCES FOR PROPS B & C

In November, San Diego voters overwhelmingly passed two ballot propositions that are critical reform measures. Prop B will require a public vote for any future pension benefit increases and Prop C will allow for managed competition. Tomorrow, the City Council will consider the implementing ordinances that have been negotiated with labor over the past 5 months. If they are passed, second readings on the same ordinances would follow in early January.

Mayor Sanders’ administration has made their last, best and final offer to the labor coalition with which we have been negotiating. The administration has reached the point of impasse, meaning that further negotiations or meetings will not result in any progress being made. Labor continues to insist on provisions that would effectively negate the decision voters made on November 7.

At tomorrow’s hearing, the Mayor will call on the Council to respect and honor the clear and decisive will of the voters and to pass the implementing ordinances as they have been negotiated. Anything short of that – including a delay or a continuance – would be an affront to the voters of this city who spoke loudly at the ballot box.

NEGOTIATIONS

For 5 months, the City has negotiated in good faith with a coalition of four labor unions. 31 meetings have taken place with the coalition, which is the equivalent of 124 meetings if we had met with each separately.

Each meeting lasted approximately 4 hours. As a result of those negotiations, the managed competition implementing ordinance is now in its 9th draft and has gone from 7 pages to 15 pages. And the pension benefits ordinance is now in its 8th draft and has increased a full page. The issues that remain in dispute between labor and the administration are threshold issues. They are fundamental to the very reason why voters passed these ballot initiatives.

PROP B.

The ordinance provides guidance on several key points:

- Those retirement system benefits which would be subject to a vote if an increase is proposed;
- Those benefits that are not considered “retirement system benefits” and, therefore, not subject to a vote;
- Timing and process for voter approval of negotiated retirement system benefits;
- Confirms that the City bears the cost of placing the measure on the ballot.

Issues in dispute:

- Unions do not want an increase in retiree health care to go to a vote.
- Unions want a “minimum” package of benefits established at 6/30/05. What this means is, should the City Attorney be successful and roll back benefits, the unions want the ability to negotiate back up to 6/30/05 levels without those benefit increases going to a vote.
- The Unions want the ability to negotiate two packages of benefits: one with retiree benefit increases, one without. Both are to be of equivalent value. If the voters reject the benefit increases, the unions still have a benefit package of equal value to fall back on until the next contract negotiation.

PROP C.

The ordinance provides guidance on how the City can best implement a managed competition program:

- Establish parameters for a pre-competition assessment. In other words, what will the Mayor and his team look at prior to making a decision as to who will be chosen for a managed comp;
- Detail minimum contract standards and contractor qualifications;
- Confirm that City employees will be provided with resources in order to respond as part of the managed competition process;
- Allow City employees who are successful in the managed competition process to bid for non-City services where appropriate;
- Establish the appointment process, length of service, conflict of interest, process for removal and qualifications for the Independent Review Board (IRB);
- Establish confidentiality and conflict of interest guidelines for City staff and any successful contractor;
- Process for the Mayor and Council to consider the IRB recommendation;
- Require notice to the affected Labor Organization and City employees.

While the implementation ordinance for managed competition gives critical guidance, the City is also actively working on the “nuts and bolts” of managed competition which will eventually be reflected in an Administrative Regulation which is attached to a Managed Competition Guide. Both of these draft documents, which are works in progress, have been shared with the Unions and the City Council. In order to ensure that these documents are consistent with both the Charter and the implementation ordinance, these documents cannot be finalized until the ordinance is adopted.

Issues in dispute:

- Unions want guarantees of “total compensation”. That means that, should an independent contractor win the bid, that contractor will be required to pay his workers a compensation package that is equivalent to what a City worker receives (salary, benefits, retirement).
- Exclusion of services less than \$500K or five FTE employees.
- Exclude service if part of managed comp within past 5 years.
- Limit to local contractors.
- Severance pay for displaced employees
- Excessive resources for City employees prior to bid, i.e. additional equipment not bad of bid.
- Mandate time to evaluate between conclusion of BPR and managed competition determination.
- Creation of Competitive Government Committee.
- Want to delay approval of the implementation ordinance until there is also agreement on what will be in the Administration Regulation and Guide referred to above.

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 4, OF
THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION
19, TITLED “VOTER APPROVAL OF RETIREMENT SYSTEM
BENEFIT INCREASES” RELATING TO THE
IMPLEMENTATION OF CHARTER SECTION 143.1

WHEREAS, a ballot proposition was approved by the qualified voters of the City of San Diego on November 7, 2006, that amended City Charter section 143.1, regarding approval of increases to Retirement System Benefits; and

WHEREAS, this ballot proposition requires that no ordinance amending the retirement system which increases the benefits of any employee, legislative officer or elected official under the retirement system, with the exception of Cost of Living Adjustments, shall be adopted without the approval of a majority of those qualified electors voting on the matter;

WHEREAS, the City of San Diego and its labor organizations have met and conferred in good faith regarding this ordinance, in order to implement the amendment to Charter section 143.1; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 2, Article 4, of the San Diego Municipal Code be and is hereby amended by adding Division 19, sections 24.1901 through 24.1906, titled “Voter Approval of Retirement System Benefit Increases”, to read as follows:

§ 24.1901 Purpose

The purpose of this ordinance is it to implement an amendment to San Diego City Charter section 143.1, regarding voter approval of Retirement System Benefit increases.

§ 24.1902 Definition of an “Increase” in Retirement System Benefits

An “increase” in Retirement System Benefits that is subject to voter approval pursuant to City of San Diego Charter section 143.1, shall mean any increase in the Retirement System Benefits to be provided to any employee, legislative officer or elected official under such retirement system, with the exception of Cost of Living Adjustments as currently provided under the language in the San Diego Municipal Code, Chapter 2, Article 4, Division 15, Section 24.1505, due to:

- (a) a change in the retirement formula of percentage credit per year of service;
- (b) a change in the 2 percent maximum annual change cap in the Cost of Living Adjustment as provided in the San Diego Municipal Code, Chapter 2, Article 4, Division 15, Section 24.1505;
- (c) a change in retiree health benefits;
- (d) a change in the formula for retiree death benefits;
- (e) a change in the formula for those retiring due to disability;
- (f) a new Retirement System Benefit; or
- (g) a change in any other Retirement System Benefit, unless specifically excluded below.

§ 24.1903 Changes that are Not Considered an “Increase” in Retirement System Benefits

The following changes shall not be considered to be an increase in Retirement System Benefits, and thus are not subject to voter approval under Charter section 143.1:

- (a) salary increases, special salary increases, special salary adjustments, salary step increases, pay for performance payments, or gain sharing payouts;
- (b) “negotiated specialty add-ons”, such as those set forth in the City’s annual listing of earnings codes included in retirement base earnings;
- (c) the City’s “pick up” of employee contributions to the Retirement System;
- (d) the establishment of a defined contribution plan for retiree medical expenses for employees hired on or after July 1, 2005, as previously agreed to between the City and certain labor unions (Memorandum of Understanding between the City of San Diego and San Diego Municipal Employees’ Association of July 1, 2005 through June 30, 2008, Article 22(D)(1); Memorandum of Understanding between the City of San Diego and Local 145, International Association of Fire Fighters, AFL-CIO of July 1, 2005 through June 30, 2006, Article 23(2)(E)(1); Memorandum of Understanding between the City of San Diego and Local 127, American Federation of State, County and Municipal Employees, District Council 36, AFL-CIO of July 1, 2005 through June 30, 2008, Article 43(1)(E)(1); Memorandum of Understanding

between City of San Diego and Deputy City Attorney Association of July 1, 2005 through June 30, 2006, Article 7), or

- (e) enhanced services provided by the Retirement System.

§ 24.1904 Timing and Process for Voter Approval of Negotiated Retirement System Benefit Increases

- (a) The process for voter approval of Retirement System Benefit increases agreed to by one or more labor organizations representing employees of the City of San Diego and the City shall be as follows. Once the City and a labor organization reach a tentative agreement on a Memorandum of Understanding, the tentative agreement shall be reduced to writing and shall be adopted or rejected by the City Council of the City of San Diego and by the membership of the labor organization.
- (b) If the City Council and the labor organization ratify the tentative agreement (the “Ratified Tentative Agreement”), the terms and conditions contained in the Ratified Tentative Agreement shall be incorporated into a Memorandum of Understanding, along with a statement that the Retirement System Benefit increase is subject to approval by the qualified electors and the San Diego City Employees Retirement System membership. If the Ratified Tentative Agreement contains an increase to Retirement System Benefits as defined in this ordinance, then the City Attorney shall cause a measure to be prepared and submitted to the Mayor and City Council for approval, and then to the qualified voters of the City of San Diego at the next special, general or primary City-wide election,

provided that no election shall be called for the sole purpose of approval of a Retirement System Benefit increase. The measure shall provide that the Retirement System Benefit increase shall not be implemented by the City unless approved by the San Diego City Employees Retirement System membership, as appropriate, and a majority of those qualified electors voting on the matter approve the measure. If approved as set forth above, the Retirement System Benefit increase shall take effect at such time as was agreed to in the Memorandum of Understanding.

- (c) In the event a measure pertaining to Retirement System Benefit increases will appear on a ballot, the Mayor agrees to support the measure in writing, by so stating in the appropriate ballot materials and in any other appropriate forum, as allowed by applicable laws, regulations and City policies.
- (d) In the event that the qualified electors voting on the measure reject the Retirement System Benefit increase, the Retirement System Benefit increase shall not take effect. Should the term of the Memorandum of Understanding which contains the rejected Retirement System Benefit increase be three years or longer, then the Memorandum of Understanding will reopen on economic terms only 24 months after the effective date of the Memorandum of Understanding.

§ 24.1905 Costs of Placing the Measure on the Ballot

All costs related to any measure placed on the ballot for voter approval of Retirement System Benefit increases shall be borne by the City of San Diego.

The City shall not consider the cost of such ballot measures in determining whether to make concessions of Retirement System Benefit increases in collective bargaining.

Section 2. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of passage.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
William Gersten
Deputy City Attorney

WG:jb
11/22/2006
Or.Dept:Mayor
O-2007-58

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, OF
THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION
37, TITLED “MANAGED COMPETITION,” RELATING TO
THE CITY’S USE OF A MANAGED COMPETITION
PROCESS TO DETERMINE THE MOST ECONOMIC AND
EFFICIENT MEANS OF PROVIDING CITY SERVICES.

WHEREAS, a ballot proposition was submitted to the qualified voters of the City of San Diego on November 7, 2006, as to a proposed amendment to the City Charter section 117, regarding the use of managed competition; and

WHEREAS, this ballot proposition amended Section 117 by adding subsection (c), which allows the City of San Diego to employ an independent contractor when it is determined that services can be provided more economically and efficiently by an independent contractor than by persons employed in the Classified Service, while maintaining service quality and protecting the public interest;

WHEREAS, the City of San Diego and its labor organizations have met and conferred in good faith regarding this ordinance, in order to implement the proposed amendments to Charter section 117; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 2, Article 2, of the San Diego Municipal Code be and is hereby amended by adding Division 37, sections 22.3701 through 22.3716, titled “Managed Competition,” to read as follows:

§ 22.3701 Purpose

- (a) The City of San Diego is committed to delivering quality services to taxpayers, residents and visitors in the most economical and efficient ways possible. Under Charter section 117(c), Managed Competition is the process for determining whether City services can be provided more economically and efficiently by an independent contractor than by persons employed in the Classified Service, while maintaining service quality and protecting the public interest. Nothing in this Division shall limit or restrict the City from contracting services under any other provision of law.
- (b) This Division is intended to set forth policies and procedures to implement Charter section 117, subsection (c). The City Manager may also provide for additional policies, procedures and/or regulations consistent with this Division and Charter section 117(c).

§ 22.3702 Pre-Competition Assessment

- (a) If the City Manager determines as part of a pre-competition assessment that a City service may be provided more economically and efficiently by an independent contractor than by persons employed in the Classified Service, while maintaining service quality and protecting the public interest, the City Manager may select appropriate services for Managed Competition. If the City Manager intends to submit a City service to Managed Competition, the City Manager will then prepare a preliminary written Statement of Work for that particular City service, and will prepare

a report setting forth the rationale for putting a City service into Managed Competition. This report will be transmitted to the Managed Competition Independent Review Board for its consideration.

- (b) In determining whether a City service is appropriate for Managed Competition, the City Manager will consider such factors as the type of service provided, the abilities of the current and projected competitive market, potential efficiencies that could be achieved, the capacity of the City to deliver essential services in the event of contractor default, and the overall welfare of the public. The City Manager will not recommend for Managed Competition, inherently governmental services, or those services so intimately related to the exercise of the public interest as to mandate their performance by City employees. Police Officers, Fire Fighters and Lifeguards who participate in the Safety Retirement System will not be subject to Managed Competition.
- (c) A request for qualifications process may be used prior to the solicitation for services in appropriate cases.
- (d) Nothing in this Division shall confer any right to any potential or current independent contractor to bid on a City service for which a solicitation has not been issued.

§ 22.3703 Minimum Contract Standards and Contractor Qualifications

- (a) The City Manager shall require that any independent contractor providing services to the City meet minimum contract standards to be contained in

the solicitation for services. The minimum contract standards shall include the following:

- (1) that the independent contractor provide proof that it maintains an adequate level of liability insurance consistent with City of San Diego risk management requirements;
- (2) that the independent contractor has a policy of equal employment opportunity;
- (3) that the independent contractor has committed to complying with the City of San Diego Living Wage Ordinance, San Diego Municipal Code Chapter 2, Article 2, Division 42, sections 22.4201 through 22.4245, if required by the terms of that ordinance;
- (4) that the independent contractor has appropriate safety policies and procedures in place to protect the public and its employees in providing the service;
- (5) that the independent contractor will comply with all applicable employment and labor laws;
- (6) performance standards and consequences for non-performance, up to and including termination of the contract;
- (7) that the independent contractor designate appropriate personnel to monitor contract compliance;

- (8) that the independent contractor's employees must maintain the same certifications as will be required of City employees performing the same service;
 - (9) that if background checks will be required of City employees performing a particular service, the independent contractor will perform background checks on employees performing those same services;
 - (10) the same regulations and requirements of service delivery necessary to maintain service quality that will apply to a City department shall also apply to any independent contractor;
 - (11) that the City shall unilaterally and immediately terminate the contract if the independent contractor enters into a contract with or employs a member of the Independent Review Board during the term of the contract with the City; and
 - (12) that the City shall unilaterally and immediately terminate the contract if the independent contractor enters into a contract with or employs a former member of the Independent Review Board during the term of the contract with the City, if that former Board member participated in the selection process for that contract.
- (b) In addition, in appropriate cases, as determined in the discretion of the City Manager, the City may require:
- (1) that the independent contractor has provided this service satisfactorily for other comparably-sized cities, counties, districts,

agencies or private entities for a sufficient time period, and thereby has demonstrated its ability and expertise to provide the service;

(2) that the independent contractor maintain a customer service and customer complaint resolution plan;

(3) that the independent contractor have adequate financial resources in order to provide the requested services; and

(4) that the independent contractor's employees have the necessary technical qualifications to provide the services.

§ 22.3704 Resources for City Employees Involved in Managed Competition

City employees involved in Managed Competition will be provided with resources, such as information, technical assistance and staff support, to develop strategies for optimized efficiency, economy and effectiveness, in order to respond to a solicitation. In addition, in the City Manager's sole discretion, the City Manager may grant a department reasonable time and resources to improve its operations before being subject to Managed Competition.

§ 22.3705 City Bid for Non-City Services

In areas where City workers are consistently productive and cost efficient, a City department can propose to the City Manager that City workers provide a service to other entities, provided that this would be of benefit to the City and its taxpayers, and when such work can increase the City's overall efficiency and effectiveness, while maintaining service quality and protecting the public interest.

§ 22.3706 Managed Competition Independent Review Board Established

A Managed Competition Independent Review Board is established pursuant to San Diego Charter section 117(c) to advise whether the proposal of City employees or that of an independent contractor will provide the services to the City more economically and efficiently while maintaining service quality and protecting the public interest.

§ 22.3707 Appointment of Members of the Independent Review Board

The Board shall consist of

- (a) Seven (7) members appointed by the City Manager;
- (b) Three (3) Board members shall be City staff, including a City Manager staff designee, a City Council staff designee and the City Auditor and Comptroller or staff designee; and
- (c) Four (4) Board members shall be private citizens whose appointment shall be subject to City Council confirmation, and who shall serve without compensation.

§ 22.3708 Terms of Members of the Independent Review Board

To promote continuity and organizational knowledge, the terms of the initial appointees to the Independent Review Board shall be staggered as follows: Two private citizens shall serve an initial three year term, and the other two private citizens shall serve two year terms. All subsequent terms by private citizens shall be two years. A member who has served two complete terms shall be ineligible for reappointment for two years after leaving the Board. The three City staff Board members shall not be subject to the above term limits.

§ 22.3709 Qualifications of Independent Review Board Members

Each member of the Board shall comply with the following qualifications during his or her tenure on the Board:

- (a) No member of the Board shall make a financial contribution to, or publicly support or oppose, a candidate for or incumbent in City office;
- (b) No member of the Board is permitted to act as a lobbyist required to register with the City pursuant to Chapter 2, Article 7, Division 40 of this Code;
- (c) Board members shall not have any personal or financial interests that would create conflict of interests with the duties of a Board member;
- (d) Members of the Board shall be prohibited from entering into a contract with or accepting employment from an independent contractor that secures a City contract through Managed Competition for the duration of the contract. All City contracts secured through Managed Competition shall include a condition that the City shall unilaterally and immediately terminate the contract if the independent contractor enters into a contract with or employs a member of the Board during the term of the contract with the City; and
- (e) Former members of the Board shall not enter into a contract with or accept employment with an independent contractor that secures a City contract through Managed Competition for the duration of that contract after leaving the Board, if that Board member participated in the selection process for that contract. All City contracts secured through Managed

Competition shall include a condition that the City shall unilaterally and immediately terminate the contract if the independent contractor enters into a contract with or employs a former member of the Board during the term of the contract with the City, if that former Board member participated in the selection process for that contract.

§ 22.3710 Removal of Member of the Independent Review Board

A Board member subject to City Council confirmation may be removed for cause by a vote of the majority of the members of the Council. Before the Council may remove a member of the Board, written charges shall be made against the Board member and an opportunity afforded for public hearing before the Council acts upon such charges. While charges are pending before the Council, the Council may suspend a Board member's participation on the Board.

§ 22.3711 Confidentiality and Conflict of Interest

- (a) The potential for abuse from knowingly or unknowingly causing or gaining unfair advantage from access to information, or the ability to affect the selection process for personal gain must be understood and avoided by all levels of personnel involved. The City will assist departments to understand, train personnel, and implement safeguards and procedures to avoid the potential for ethical conflicts and abuses. No elected official or City employee shall provide procurement sensitive information to any potential contractor.
- (b) A conflict of interest code shall be adopted by the City Council for all members of the Managed Competition Independent Review Board. All

members of the Managed Competition Independent Review Board shall be required to complete and file statements of economic interests in accordance with the conflict of interest code.

- (c) In the event a service is awarded to an independent contractor through Managed Competition, impacted employees in the Classified Service will not be precluded or hindered from accepting employment with the independent contractor.

§ 22.3712 Solicitation of Proposals and Support for the Independent Review Board

- (a) When it is determined, as a result of the pre-competition assessment, that a Managed Competition process would benefit the City, appropriate acquisition actions, such as development and advertising of the solicitation of proposals for the service, will be prepared by City staff.
- (b) City staff will provide support to the Independent Review Board in its consideration of proposals.

§ 22.3713 Consideration of Proposals by Independent Review Board

- (a) In determining whether a proposal of an independent contractor or City Department will provide a service to the City most economically and efficiently while maintaining service quality and protecting the public interest, the Independent Review Board will consider the following factors:
 - (1) the Independent Review Board should not recommend awarding a contract to an independent contractor unless there have been at

least two bids by independent contractors for the service subject to Managed Competition;

- (2) whether the bids by the City Department and the independent contractors are responsive to the solicitation and responsible;
- (3) whether there is reliable information demonstrating that any of the independent contractors bidding on the work have engaged in unethical business practices that would warrant the rejection of their bid;
- (4) unless the bid of an independent contractor is more than ten (10) percent lower than the bid of a City Department currently providing the service for the proposed term of the contract, the Independent Review Board should not recommend awarding the service in question to the independent contractor. This minimum cost differential is meant to discourage the City from implementing a significant change in service delivery on the basis of marginal estimated savings, and to account for such difficult to estimate factors as the potential costs of reduced productivity and service disruption during transition. In reviewing this factor, the Board will utilize a cost analysis, the purpose of which is to calculate the costs that are saved and the costs that are generated by contracting the service; and
- (5) which independent contractor or City Department can provide the best overall value to the City. The Independent Review Board will

not necessarily recommend the low bidder, as the low bidder may not be the party that is presenting the most responsible and responsive bid, i.e., the low bidder may not always be the party that can provide the best and most reliable service to the City, perhaps because the low bidder has less experience or lacks the proven track record of a City Department or an independent contractor with a higher bid.

- (b) If the Board determines that an independent contractor meets the minimum contract standards and provides the best overall value to the City according to the factors set forth above, the Independent Review Board shall recommend to the City Manager that the contract be awarded to that independent contractor. The Independent Review Board's recommendation to the City Manager shall include a written explanation providing the rationale for its recommendation.

§ 22.3714 City Manager and City Council Consideration of Decision of Independent Review Board

Upon receipt of a recommendation from the Independent Review Board that a City service should be awarded to an independent contractor, the City Manager shall either accept or reject that recommendation in its entirety. If the City Manager accepts the recommendation, then the City Manager shall forward that recommendation to the City Council. That recommendation shall include the written recommendation of the Independent Review Board, and a transition strategy that addresses contract monitoring, service interruption and affected

employee procedures, as well as a proposed agreement with the independent contractor. The City Council shall have the authority to accept or reject in its entirety any proposed agreement with an independent contractor submitted by the City Manager. In order to accept the recommendation to award a service to an independent contractor, the City Council must determine that this City service can be provided more economically and efficiently by an independent contractor than by persons employed in the Classified Service, while maintaining service quality and protecting the public interest.

§ 22.3715 Notice to Affected Labor Organization and Affected Employee Procedures

- (a) Before the City Manager recommends to the City Council that it approve a proposed agreement with an independent contractor to perform work for the City which is currently being provided by a City Department, the City Manager will notify all labor organizations whose members would be affected by such an agreement, as well as the City Personnel and Labor Relations Departments, and shall provide the number of City positions by job classification, that may be displaced if the contract is awarded to the independent contractor.
- (b) City employees who will be laid off as a result of Managed Competition shall be entitled to utilize the layoff procedures set forth in Section L-5A of the Personnel Regulations of the City of San Diego, entitled “Layoff, other than Police or Fire Units”, as well as Rule V of the Civil Service Rules, entitled “Layoff and Reemployment.”

§ 22.3716 Monitoring Performance of Independent Contractors

The City Manager shall have the sole responsibility for administering and monitoring any agreements with independent contractors. The City Manager shall be required to produce annual performance audits for contracted services, the cost of which must be accounted for and considered during the bidding process. In addition, the City Manager shall seek an independent audit every five (5) years to evaluate the City's experience and performance audits.

Section 2. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of passage.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Debora Buljat
Deputy City Attorney

DB:jm
11/22/06
Or.Dept: Mayor
O-2007-57

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at its meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor